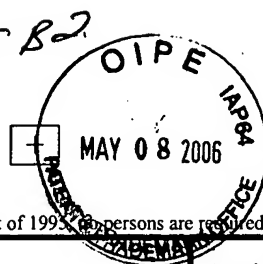


7,033,786 B2



05-10-06

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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/015,715	
	Filing Date	December 12, 2001	
	First Named Inventor	Kevin P. Baker	
	Group/Art Unit	1647	
	Examiner Name	Landsman, Robert S.	
Total Number of Pages in This Submission		Attorney Docket Number	39780-2830P1C56

Certificate of Correction
MAY 15 2006

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> Exhibits <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input checked="" type="checkbox"/> REQUEST FOR CERTIFICATE OF CORRECTION <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Status Claimed <input type="checkbox"/> Statement under 3.73(b)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): CERTIFICATE OF CORRECTION; COPY OF AMENDMENT UNDER 1.48(b) of 7/5/2005.
Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 (ATTORNEY DOCKET NO.: 39780-2830P1C56) FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Anna L. Barry, Reg. No. 51,436, HELLER EHRMAN LLP		
Signature			
Date	May 8, 2006	Customer Number:	35489

CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop: xxxxxx; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 8, 2006.			
Express Mail Label: EV 765 972 485 US			
Typed or printed name	Elena Torres		
Signature		Date	May 8, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAY 15 2006



PATENTS
Attorney Docket No. 39780-2830 P1C56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent No.: 7,033,786 B2
Dated: April 11, 2006
Inventor(s): Gao, et al.

MS: Certificate of Correction Branch

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Patentee hereby requests a Certificate of Correction since the issued patent does not take into account the changes shown in the Amendment filed under 37 CFR 1.48(b) and 37 CFR 1.312 on March 7, 2005.

Submitted herewith is a copy of the Amendment filed under 37 CFR 1.48(b) and 37 CFR 1.312 on March 7, 2005, along with a completed Form PTO-1050 containing the requested correction. A return receipt postcard is enclosed.

No fee is believed due, because this is the correction of an Office mistake. Please charge any fees that may be required to Account No. 08-1641, referencing Attorney docket 39780-2830 P1C56. A duplicate of this document is enclosed.

Respectfully submitted,

Date: May 8, 2006

By: 
Anna L. Barry (Reg. No. 51,436)

Heller Ehrman, LLP
Customer No. 35489
275 Middlefield Road
Menlo Park CA 94025-3506
Tel: 650/324-7000
Fax: 650/324-0638

SV 2205521 v1

MAY 15 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,033,786 B2

DATED : April 25, 2006

INVENTOR(S) : Gao, et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

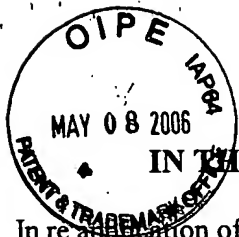
On the front page, in the Inventors, delete the inventors and replace as follows –Wei-Qiang Gao, Palo Alto, CA (US); Audrey Goddard, San Francisco, CA (US); Paul J. Godowski, Hillsborough, CA (US); Austin L. Gurney, Belmont, CA (US); William I. Wood, Hillsborough, CA (US)--

MAILING ADDRESS OF SENDER:

Ginger R. Dreger
HELLER EHRMAN LLP
275 Middlefield Road
Menlo Park, CA 94025

PATENT NO.: 7,033,786 B2
Atty. No.: 39780-2830 P1C56

REC-3 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,715

Filed: December 12, 2001

For: PRO1340 NUCLEIC ACIDS

) Examiner: Landsman, Robert S.

) Art Unit: 1647

) Confirmation No: 4464

) Attorney's Docket No. 39780-2830 P1C56

) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 993 636 936 US

DATE MAILED: MARCH 7, 2005

AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Please enter the following amendments, and consider the following arguments.

Amendment to the Claims begin on page 2.

Remarks begin on page 6.

MAY 15 2006

Amendments to the Claims:

1-27. (canceled)

28. (previously presented) An isolated nucleic acid encoding a polypeptide having at least 80% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
 - (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
 - (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or
 - (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,
- wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

29. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 85% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
 - (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
 - (c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or
 - (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,
- wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

30. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 90% sequence identity to:

- (a) the amino acid sequence of the polypeptide of SEQ ID NO:229;
- (b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

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(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

31. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 95% sequence identity to:

(a) the amino acid sequence of the polypeptide of SEQ ID NO:229;

(b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

32. (previously presented) The isolated nucleic acid of Claim 28 encoding a polypeptide having at least 99% sequence identity to:

(a) the amino acid sequence of the polypeptide of SEQ ID NO:229;

(b) the amino acid sequence of the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;

(c) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228; or

(d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203268,

wherein the encoded polypeptide promotes proliferation of inner ear supporting cells.

33. (currently amended) An isolated nucleic acid comprising:

- (a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229;
- (b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229, lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide of SEQ ID NO:229;
- (d) the nucleic acid sequence of SEQ ID NO:228;
- (e) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228;

or

[[e]] (f) the full-length coding sequence of the cDNA deposited under ATCC accession number 203268.

34. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229.

35. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide of SEQ ID NO:229, lacking its associated signal peptide.

36. (previously presented) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide of SEQ ID NO:229.

37. (canceled)

38. (previously presented) The isolated nucleic acid of Claim 33 comprising the nucleic acid sequence of SEQ ID NO:228.

39. (previously presented) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:228.

40. (previously presented) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203268.

MAY 2006

41. (canceled)
42. (canceled)
43. (canceled)
44. (previously presented) A vector comprising the nucleic acid of Claim 28.
45. (previously presented) The vector of Claim 44, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.
46. (previously presented) An isolated host cell comprising the vector of Claim 44.
47. (previously presented) The isolated host cell of Claim 46, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.

REMARKS

Claims 28-36, 38-40 and 44-47 stand allowed in this application. With this amendment, letter (e) has been replaced with letter (f) in order to remove duplication in numbering within Claim 33 and to improve the clarity of the claim. No new matter is added by way of the claim amendment.

Applicants respectfully request entry of the claim amendment.

INVENTORSHIP

In the above identified application, a Notice of Allowance was mailed on December 30, 2004, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please delete the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

Kevin P. Baker	David Botstein
Luc Desnoyers	Dan L. Eaton
Napoleone Ferrara	Sherman Fong
J. Christopher Grimaldi	Kenneth J. Hillan
James Pan	Nicholas F. Paoni
Margaret Ann Roy	Victoria Smith
Timothy A. Stewart	Daniel Tumas
Colin K. Watanabe	P. Mickey Williams

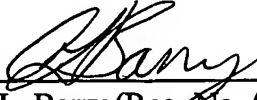
Upon entering the present amendment, Wei-Qiang Gao, Audrey Goddard, Paul J. Godowski, Austin Gurney and William I. Wood remain named inventors in this case.

Please charge the fee of \$130.00 and/or any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39780-2830 P1C56. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: March 7, 2005

By: _____


Anna L. Barry (Reg. No. 51,436)

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Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

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3/6/05 1:29 PM (39780.2830)

MAY 15 2006